

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

V.

CAUSE NO. 3:18-CR-67-CWR-LGI-2

MONROE L. HUGHES, III

DEFENDANT

ORDER DENYING MOTIONS TO DISMISS

Before the Court are Monroe L. Hughes, III's motions to dismiss. Docket Nos. 275 and 277. The Court will not reach the merits of Hughes' *pro se* motions because they violate the hybrid representation rule.

On May 23, 2022, Hughes filed a *pro se* motion titled "Motion to Dismiss Indictment Counts One, Two and Three." Docket No. 275. And on June 6, 2022, Hughes filed a *pro se* motion titled "Motion to Dismiss for Violation of Sixth Amendment Right To Speedy Trial." Docket No. 277. Both motions ask the Court to dismiss the indictment on grounds that he has been denied his right to a speedy trial.

Pursuant to 28 U.S.C. § 1654, "[i]n all courts of the United States the parties may plead and conduct their own cases personally or by counsel" "Courts have consistently interpreted this statute as stating a defendant's rights in the disjunctive" so that a "criminal defendant does not have the right . . . to a 'hybrid representation,' partly by counsel and partly by himself." *United States v. Daniels*, 572 F.2d 535, 540 (5th Cir. 1978). "[U]nless an attorney's actions effectively deny the defendant his sixth amendment right to the assistance of counsel, the defendant is bound by his attorney's decisions during trial." *Id.*

Hughes is represented by able counsel and therefore cannot file documents in a *pro se* capacity. See *United States v. Haynes*, No. 4:15-CR-73-5, 2016 U.S. Dist. LEXIS 100333 (N.D.

Miss. Aug. 1, 2016); *Martinez v. Dretke*, 426 F.Supp.2d 403, 534 (W.D. Tex. 2006); *Howard v. Epps*, No. 3:07CV10-P, 2010 U.S. Dist. LEXIS 63727 at *1 (N.D. Miss. June 28, 2010).

The Court therefore ORDERS Hughes' *pro se* motions requesting dismissal of the indictment [275 and 277] be DENIED without prejudice as to the merits.

SO ORDERED, this the 29th day of June, 2022.

s/ Carlton W. Reeves
UNITED STATES DISTRICT JUDGE